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 10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 SAN FRANCISCO DIVISION

13 SHANNON O. MURPHY,	Plaintiff,	v.	Case No. 08-763 PJH
14			
15	UNITED STATES ARMY NATIONAL GUARD (CALIFORNIA), BATTERY S, 143RD FIELD ARTILLERY,	Defendant.	STATEMENT OF NON-RECEIPT BY DEFENDANT OF OPPOSITION TO MOTION TO DISMISS
16			
17			Date: May 21, 2008
18			Time: 9:00 a.m.
19			Place: Courtroom 3, 17 th Fl.
			Before: Hon. Phyllis J. Hamilton

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 21 Pursuant to this Court's Order dated April 11, 2008, the Federal Defendant hereby informs the
 22 Court that Defendant has not received an opposition to its motion to dismiss. Defendant further
 23 requests, pursuant to the Order that the motion be decided based upon Defendant's motion.

24 Respectfully submitted,
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26 JOSEPH P. RUSSONIELLO
 United States Attorney

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 28 Dated: May 7, 2008

By:

/s/
 ABRAHAM A. SIMMONS
 Assistant United States Attorney